

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----x
In re:

Chapter 11

FMTB BH LLC,

Case No. 18-42228-cec

Debtor.

-----x
FMTB BH LLC,

Adv. Pro. No. 18-01052-cec

Plaintiff,

against

1988 MORRIS AVENUE LLC, 1974 MORRIS
AVENUE LLC, 700 BECK STREET LLC, 1143
FOREST AVENUE LLC, and 1821 TOPPING
AVENUE LLC,

Defendants.

-----x
AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
ss.:
COUNTY OF NEW YORK)

NATHANIEL F. MEYERS, being duly sworn, deposes and says:

1. I am not a party to the action, am over 18 years of age and reside in Brooklyn, N.Y.

2. On the 24th day of April, 2018, I served the Complaint with attached Adversary Proceeding Cover Sheet [Adv. Doc. No. 3], Summons and Notice of Pretrial Conference In an Adversary Proceeding [Adv. Doc. No. 4], and the appropriate Notice of Pendency attached hereto as Exhibit A via FIRST CLASS MAIL upon the attached Service List by depositing true copies of same enclosed in post-paid, properly addressed wrappers in an official depository under the

exclusive care and custody of the United States Postal Service within the State of New York.

Sworn to before me this
25th day of April, 2018

/s/Nathanael F. Meyers
NATHANAEL F. MEYERS

/s/ Robert M. Sasloff
Notary Public, State of New York
No. 02SA4966401
Qualified in Kings County
Commission Expires 5-7-2018

SERVICE LIST

1821 TOPPING AVE LLC
C/O LEGALINC CORPORATE SERVICES INC.
1967 WEHRLE DRIVE, SUITE 1-086
BUFFALO, NEW YORK, 14221

1974 MORRIS AVE LLC
C/O REGISTERED AGENTS INC.
90 STATE STREET
STE 700 OFFICE 40
ALBANY, NEW YORK, 12207

1988 MORRIS AVE LLC
C/O LEGALINC CORPORATE SERVICES INC.
1967 WEHRLE DRIVE
SUITE 1-086
BUFFALO, NEW YORK, 14221

700 BECK STREET LLC
C/O LEGALINC CORPORATE SERVICES INC.
1967 WEHRLE DRIVE SUITE 1-086
BUFFALO, NEW YORK, 14221

1143 FOREST AVE LLC
C/O LEGALINC CORPORATE SERVICES INC.
1967 WEHRLE DRIVE SUITE 1-086
BUFFALO, NEW YORK, 14221

EXHIBIT A

FILE COPY

UNITED STATES BANKRUPTCY COURT
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In re:

Chapter 11

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Debtor.

FMTB BH LLC,

Adv. Pro. No. 18-01052-cec

Plaintiff,

against

1988 MORRIS AVENUE LLC, 1974 MORRIS
AVENUE LLC, 700 BECK STREET LLC, 1143
FOREST AVENUE LLC, and 1821 TOPPING
AVENUE LLC,

Defendants.

CLERK
BRONX COUNTY
DOCKET DEPARTMENT

2018 APR 24 AM 9:14

BUCKETED

NOTICE OF PENDENCY

Subject Premises: 1821 Topping Avenue, Bronx, New York 10457

Section: 2

Block: 2800

Lot: 44

County: Bronx

NOTICE IS HEREBY GIVEN pursuant to CPLR § 6501 *et seq.* that an action has been commenced and is now pending in the United States Bankruptcy Court for the Southern District of New York upon the complaint of the above-named Plaintiff against the above-named Defendants to clarify and establish the parties' present and future interests in the below referenced Premises and all improvements thereon. The nature of the action concerns, among other things, a claim against the Defendants for specific performance of a contract of sale executed on or about June 19, 2017.

AND NOTICE IS FURTHER GIVEN, that the Premises affected by this action, were,

at the time of the commencement of said action, and at the time of the filing of this notice situate in **Block 2800, Lot 44** on the land and tax map of the COUNTY OF BRONX in the City and State of New York. The above property is further described in Schedule A "Legal Description" annexed hereto and made a part hereof.

Said premises being commonly known as and by street number 1821 Topping Avenue, Bronx, New York 10457.

TOGETHER with all right, title and interest of the defendant(s) in and to the land lying in the streets and roads in front of and adjoining said premises.

TYPE OF ACTION:

BREACH OF CONTRACT/SPECIFIC PERFORMANCE

Dated: New York, New York
April 23, 2018

**ROBINSON BROG LEINWAND
GREENE GENOVESE & GLUCK, P.C.**

By:



Lawrence S. Hirsh, Esq.

Attorneys for Plaintiff FMTB BH LLC
875 Third Avenue, 9th Floor
New York, New York 10022
(212) 603-6300

TO THE CLERK OF THE COURT, BRONX COUNTY

YOU ARE HEREBY directed to index the within Notice against the following section, block and lot numbers of the County of Bronx affected thereby. Section 2, Block 2800, Lot 44.

Dated: New York, New York
April 23, 2018

**ROBINSON BROG LEINWAND GREENE
GENOVESE & GLUCK, P.C.**

By: 
Lawrence S. Hirsh, Esq.

Attorneys for Plaintiff FMTB BH LLC
875 Third Avenue, 9th Floor
New York, New York 10022
(212) 603-6300

FILE COPY

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

Chapter 11

FMTB BH LLC,

Case No. 18-42228-cec

Debtor.

FMTB BH LLC,

Adv. Pro. No. 18-01052-cec

Plaintiff,

against

1988 MORRIS AVENUE LLC, 1974 MORRIS
AVENUE LLC, 700 BECK STREET LLC, 1143
FOREST AVENUE LLC, and 1821 TOPPING
AVENUE LLC,

Defendants.

2018 APR 24 AM 9:14
BROOKLYN COUNTY CLERK
RECEIVED DEPARTMENT
BUCKETED

NOTICE OF PENDENCY

Subject Premises: 1974 Morris Avenue, Bronx, New York 10453

Section: 2

Block: 2807

Lot: 4

County: Bronx

NOTICE IS HEREBY GIVEN pursuant to CPLR § 6501 *et seq.* that an action has been commenced and is now pending in the United States Bankruptcy Court for the Southern District of New York upon the complaint of the above-named Plaintiff against the above-named Defendants to clarify and establish the parties' present and future interests in the below referenced Premises and all improvements thereon. The nature of the action concerns, among other things, a claim against the Defendants for specific performance of a contract of sale executed on or about June 19, 2017.

AND NOTICE IS FURTHER GIVEN, that the Premises affected by this action, were,

at the time of the commencement of said action, and at the time of the filing of this notice situate in **Block 2807, Lot 4** on the land and tax map of the COUNTY OF BRONX in the City and State of New York. The above property is further described in Schedule A "Legal Description" annexed hereto and made a part hereof.

Said premises being commonly known as and by street number 1974 Morris Avenue, Bronx, New York 10453.

TOGETHER with all right, title and interest of the defendant(s) in and to the land lying in the streets and roads in front of and adjoining said premises.

TYPE OF ACTION:

BREACH OF CONTRACT/SPECIFIC PERFORMANCE

Dated: New York, New York
April 23, 2018

**ROBINSON BROG LEINWAND
GREENE GENOVESE & GLUCK, P.C.**

By: 
Lawrence S. Hirsh, Esq.

Attorneys for Plaintiff FMTB BH LLC
875 Third Avenue, 9th Floor
New York, New York 10022
(212) 603-6300

TO THE CLERK OF THE COURT, BRONX COUNTY

YOU ARE HEREBY directed to index the within Notice against the following section, block and lot numbers of the County of Bronx affected thereby. Section 2, Block 2807, Lot 4.

Dated: New York, New York
April 23, 2018

**ROBINSON BROG LEINWAND GREENE
GENOVESE & GLUCK, P.C.**

By:



Lawrence S. Hirsh, Esq.

Attorneys for Plaintiff FMTB BH LLC
875 Third Avenue, 9th Floor
New York, New York 10022
(212) 603-6300

FILE COPY

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

Chapter 11

FMTB BH LLC,

Case No. 18-42228-cec

Debtor.

FMTB BH LLC,

Adv. Pro. No. 18-01052-cec

Plaintiff,

against

1988 MORRIS AVENUE LLC, 1974 MORRIS
AVENUE LLC, 700 BECK STREET LLC, 1143
FOREST AVENUE LLC, and 1821 TOPPING
AVENUE LLC,

Defendants.

2018 APR 24 AM 9:13
COUNTY CLERK
BRONX COUNTY
OCKET DEPARTMENT

SERIALIZED

NOTICE OF PENDENCY

Subject Premises: 1988 Morris Avenue, Bronx, New York 10453

Section: 2

Block: 2807

Lot: 10

County: Bronx

NOTICE IS HEREBY GIVEN pursuant to CPLR § 6501 et seq. that an action has been commenced and is now pending in the United States Bankruptcy Court for the Southern District of New York upon the complaint of the above-named Plaintiff against the above-named Defendants to clarify and establish the parties' present and future interests in the below referenced Premises and all improvements thereon. The nature of the action concerns, among other things, a claim against the Defendants for specific performance of a contract of sale executed on or about June 19, 2017.

AND NOTICE IS FURTHER GIVEN, that the Premises affected by this action, were,

at the time of the commencement of said action, and at the time of the filing of this notice situate in **Block 2807, Lot 10** on the land and tax map of the COUNTY OF BRONX in the City and State of New York. The above property is further described in Schedule A "Legal Description" annexed hereto and made a part hereof.

Said premises being commonly known as and by street number 1988 Morris Avenue, Bronx, New York 10453.

TOGETHER with all right, title and interest of the defendant(s) in and to the land lying in the streets and roads in front of and adjoining said premises.

TYPE OF ACTION:

BREACH OF CONTRACT/SPECIFIC PERFORMANCE

Dated: New York, New York
April 23, 2018

**ROBINSON BROG LEINWAND
GREENE GENOVESE & GLUCK, P.C.**

By:



Lawrence S. Hirsh, Esq.

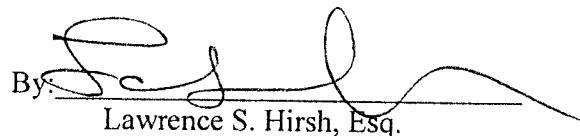
Attorneys for Plaintiff FMTB BH LLC
875 Third Avenue, 9th Floor
New York, New York 10022
(212) 603-6300

TO THE CLERK OF THE COURT, BRONX COUNTY

YOU ARE HEREBY directed to index the within Notice against the following section, block and lot numbers of the County of Bronx affected thereby. Section 2, Block 2807, Lot 10.

Dated: New York, New York
April 23, 2018

**ROBINSON BROG LEINWAND GREENE
GENOVESE & GLUCK, P.C.**

By: 
Lawrence S. Hirsh, Esq.

Attorneys for Plaintiff FMTB BH LLC
875 Third Avenue, 9th Floor
New York, New York 10022
(212) 603-6300

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

Chapter 11

FMTB BH LLC,

Case No. 18-42228-cec

Debtor.

FMTB BH LLC,

Adv. Pro. No. 18-01052-cec

Plaintiff,

against

1988 MORRIS AVENUE LLC, 1974 MORRIS
AVENUE LLC, 700 BECK STREET LLC, 1143
FOREST AVENUE LLC, and 1821 TOPPING
AVENUE LLC,

Defendants.

RECEIVED
2018 APR 24 AM 9:13
JUDY CLERK
BRONX COUNTY
DOCKET DEPARTMENT

NOTICE OF PENDENCY

Subject Premises: 770 Beck Street, Bronx, New York 10455

Section: 2

Block: 2707

Lot: 53

County: Bronx

NOTICE IS HEREBY GIVEN pursuant to CPLR § 6501 *et seq.* that an action has been commenced and is now pending in the United States Bankruptcy Court for the Southern District of New York upon the complaint of the above-named Plaintiff against the above-named Defendants to clarify and establish the parties' present and future interests in the below referenced Premises and all improvements thereon. The nature of the action concerns, among other things, a claim against the Defendants for specific performance of a contract of sale executed on or about June 19, 2017.

AND NOTICE IS FURTHER GIVEN, that the Premises affected by this action, were,

at the time of the commencement of said action, and at the time of the filing of this notice situate in **Block 2707, Lot 53** on the land and tax map of the COUNTY OF BRONX in the City and State of New York. The above property is further described in Schedule A "Legal Description" annexed hereto and made a part hereof.

Said premises being commonly known as and by street number 770 Beck Street, Bronx, New York 10455.

TOGETHER with all right, title and interest of the defendant(s) in and to the land lying in the streets and roads in front of and adjoining said premises.

TYPE OF ACTION:

BREACH OF CONTRACT/SPECIFIC PERFORMANCE

Dated: New York, New York
April 23, 2018

**ROBINSON BROG LEINWAND
GREENE GENOVESE & GLUCK, P.C.**

By:



Lawrence S. Hirsh, Esq.

Attorneys for Plaintiff FMTB BH LLC
875 Third Avenue, 9th Floor
New York, New York 10022
(212) 603-6300

TO THE CLERK OF THE COURT, BRONX COUNTY

YOU ARE HEREBY directed to index the within Notice against the following section, block and lot numbers of the County of Bronx affected thereby. Section 2, Block 2707, Lot 53.

Dated: New York, New York
April 23, 2018

**ROBINSON BROG LEINWAND GREENE
GENOVESE & GLUCK, P.C.**

By: 
Lawrence S. Hirsh, Esq.

Attorneys for Plaintiff FMTB BH LLC
875 Third Avenue, 9th Floor
New York, New York 10022
(212) 603-6300

FILE COPY

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

Chapter 11

FMTB BH LLC,

Case No. 18-42228-cec

Debtor.

FMTB BH LLC,

Adv. Pro. No. 18-01052-cec

Plaintiff,

against

1988 MORRIS AVENUE LLC, 1974 MORRIS
AVENUE LLC, 700 BECK STREET LLC, 1143
FOREST AVENUE LLC, and 1821 TOPPING
AVENUE LLC,

Defendants.

BRONX COUNTY CLERK
BRONX COUNTY
DOCKET DEPARTMENT

2018 APR 24 AM 9:14

JACKETED

NOTICE OF PENDENCY

Subject Premises: 1143 Forest Avenue, Bronx, New York 10456

Section: 2

Block: 2651

Lot: 28

County: Bronx

NOTICE IS HEREBY GIVEN pursuant to CPLR § 6501 *et seq.* that an action has been commenced and is now pending in the United States Bankruptcy Court for the Southern District of New York upon the complaint of the above-named Plaintiff against the above-named Defendants to clarify and establish the parties' present and future interests in the below referenced Premises and all improvements thereon. The nature of the action concerns, among other things, a claim against the Defendants for specific performance of a contract of sale executed on or about June 19, 2017.

AND NOTICE IS FURTHER GIVEN, that the Premises affected by this action, were,

at the time of the commencement of said action, and at the time of the filing of this notice situate in **Block 2651, Lot 28** on the land and tax map of the COUNTY OF BRONX in the City and State of New York. The above property is further described in Schedule A "Legal Description" annexed hereto and made a part hereof.

Said premises being commonly known as and by street number 1143 Forest Avenue, Bronx, New York 10456.

TOGETHER with all right, title and interest of the defendant(s) in and to the land lying in the streets and roads in front of and adjoining said premises.

TYPE OF ACTION:

BREACH OF CONTRACT/SPECIFIC PERFORMANCE

Dated: New York, New York
April 23, 2018

**ROBINSON BROG LEINWAND
GREENE GENOVESE & GLUCK, P.C.**

By: 
Lawrence S. Hirsh, Esq.

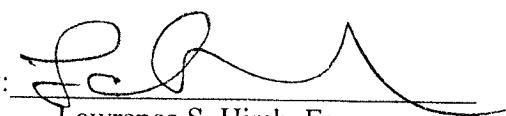
Attorneys for Plaintiff FMTB BH LLC
875 Third Avenue, 9th Floor
New York, New York 10022
(212) 603-6300

TO THE CLERK OF THE COURT, BRONX COUNTY

YOU ARE HEREBY directed to index the within Notice against the following section, block and lot numbers of the County of Bronx affected thereby. Section 2, Block 2651, Lot 28.

Dated: New York, New York
April 23, 2018

**ROBINSON BROG LEINWAND GREENE
GENOVESE & GLUCK, P.C.**

By: 
Lawrence S. Hirsh, Esq.

Attorneys for Plaintiff FMTB BH LLC
875 Third Avenue, 9th Floor
New York, New York 10022
(212) 603-6300